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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,083	11/05/2003	Doo-seop Eom	Q76216	6301

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EXAMINER

FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/701,083

Applicant(s)

EOM ET AL.

Examiner

Marisol Figueroa

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed on 5/9/2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that Davies does not teach or suggest "wherein the first communication device, when connection is established with the wireless communication device, transmits to the second communication device information on an address and a clock of the wireless communication device which are determined by the inquiry..." as recited in claim 1 (page 3, line 14 - page 4, lines 1-2 of the remarks).

The Examiner respectfully disagrees. Davies (US 6,816,730 B2) was used in combination with Melpignano (US 2003/0003912). Melpignano discloses wherein the first communication device (i.e. AP1) transmits information related to an address and a clock received from a mobile terminal to a second communication device (i.e. AP3, AP3) when the mobile terminal sends a handoff request (see p.0100-0101). Davies is used in combination to show that a first communication device (i.e. first beacon) that acquires information from a mobile terminal can transfer the acquired information to a second communication device (i.e. second beacon) when connection is established between the first communication device and the mobile terminal during an inquiry procedure (see col. 1, line 66-col. 2, lines 1-9). Therefore, the combination of Melpignano and Davies does teaches the limitations of claim 1.

In response to Applicant's argument that neither Melpignano nor Davies describes a hard hand-off process (page 4, line 3-9). However, it can be seen on paragraph 19 of Melpignano that a hard handoff occurs.

In response to the Melpignano describe an inquiry performed between the APs and the paging is carried out based on the clock offsets between the APs and in contrast claim 1 recites an inquiry between the first communication device and the wireless communication device (page 4, lines 10-16 of the remarks). However, Melpignano teaches that in a Bluetooth system slave units (i.e. wireless communication devices) reply to a master unit (i.e. first communication device/AP) and are found by a discovery/inquiry procedure (p.0060-0075). Furthermore teaches that when the mobile terminal sends a handoff request the access point 1 (i.e. first communication device) sends a page to its neighboring access points (i.e. second communication device) containing the address of the mobile terminal and information about the mobile terminal clock, and one person of ordinary skill in the art would recognize that Bluetooth access points obtains this information about other Bluetooth devices (i.e. mobile terminals) in its range by an inquiry procedure.

In response to Applicant's argument that the Examiner has utilized impermissible hindsight reasoning in concluding that it is common knowledge in the art that a first communication device checks a connection state with a wireless device every predetermined period (page 4, lines 21-27).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The Examiner asserts that it is well known in the art to check an status of a connection and paragraph 0013 of Cromer et al. (US 2004/0203818 A1) is evidence of the fact, that shows that it is common knowledge in the art for a communication device to check the status of a connection on a periodic basis .